THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date: 08-11-2005

WRIT PETITION No.23980 OF 2004

BETWEEN:

Gangapatnam Varaprasada Rao.

…Petitioner

And

Station House Officer, Allur Police Station, Allur Mandal, Nellore District and another.

…Respondents

ORDER:

The petitioner submits that he sent a report dated 7-10-2004 and a letter dated 13-11-2004 to the first respondent to register a case against the second respondent, but no case has been registered by the first respondent.

In so far as the first report dated 7-10-2004 is concerned, a counter has been filed stating that no such letter by registered post was received by the Station House Officer, Allur Police Station. The counsel appearing for the petitioner was also not able to file the admissible acknowledgement in proof of sending the said report by registered post. In so far as another letter said to have been addressed by the petitioner on 13-11-2004 is concerned, it is stated that the first respondent received the said letter on 16-11-2004 and a reading of the said letter prima facie discloses that there are no

material allegations to register a case and it is purely a financial matter and the allegations are appears to be civil nature, therefore, the first respondent made the contents of the letter in the General Diary, but no case has been registered as no prima facie case is found.

The perusal of the letter dated 13-11-2004 discloses that there are no prima facie averments with regard to the offence said to have been committed by the second respondent. Therefore, I am of the opinion that no direction can be issued to register a case against the second respondent pursuant to the letter dated 13-11-2004.

Accordingly, the writ petition is dismissed. However, it is open for the petitioner to take appropriate action to prove the allegations made in the letter dated 7-10-2004. No order as to costs.

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V.ESWARAIAH, J

Date: 8-11-2005.

Shr.